

Li et al.

S/N: 09/683,781

REMARKS

Claims 1, 2, 4-9, 11-17, and 19-26 are currently pending. The above amendments are further to those made in the After-Final Amendment filed on August 26, 2003, but were not entered by the Examiner. Applicant has filed contemporaneously herewith a Request for Continued Examination and has requested the unentered amendments be entered as a matter of right. As such, Applicant incorporates and requests consideration of the remarks set forth in the August 26, 2003 response. As stated therein, the Examiner has failed to consider the definition of the term "energize". "Energize" by definition requires the application of energy, therefore, the Examiner's assertion that the art of record teaches "energizing" to a second voltage given the reference's clear teaching that the "second voltage" is zero contradicts the plain meaning of the term "energize".

In the Advisory Action mailed September 10, 2003, the Examiner stated with regard to claims 1-2, 4-9, 11-17 and 19-21 that "the claims do not require that the source is energized at the second voltage, nor that the x-ray source is at least minimally powered, rather the claims only require that the second voltage is achieved by process of energizing from the first source." The Examiner's statement is indicative of the Examiner's misinterpretation of the claim language.

For example, claim 1 calls for, in part, "after acquiring the set of imaging data, energizing the high frequency electromagnetic energy source to a second voltage until the period of delay after a next triggering pulse". As noted above, the term "energizing" means that an energy is applied to the energy source to achieve the second voltage. For the second voltage to include a voltage level of zero, as asserted by the Examiner, requires the removal of energy or "de-energizing", i.e. the opposite of that claimed. Applicant agrees that the Examiner is permitted to broadly interpret the claim language; however, it is well-established that the Examiner cannot give a meaning to a term that flies in the face of the term's plain meaning.

Notwithstanding the clear distinctions between that which is claimed and that taught and/or suggested by the art of record, Applicant has amended claims 1, 7, 15, and 24 to further define the second voltage as being different from the first voltage.

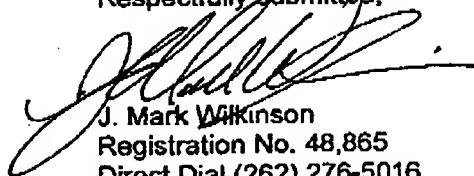
In light of the foregoing Amendments and Remarks Applicant respectfully believes the present application is in condition for allowance and therefore requests a Notice of Allowance for claims 1, 2, 4-9, 11-17, and 19-26.

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Applicant invites the Examiner to contact the undersigned with any questions to expedite the handling of this matter.

Respectfully submitted,


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